

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

KWAI FUN WONG and WU-WEI TIEN TAO)
ASSOCIATION,)

Plaintiffs,)

v.)

DAVID V. BEEBE, a former Immigration and)
Naturalization Service (nka Department of)
Homeland Security) Official, and the UNITED)
STATES OF AMERICA,)

Defendants.)

Civil No. 01-718-ST

ORDER

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JONES, Judge:

Magistrate Judge Janice M. Stewart filed Findings and Recommendation (#443) on January 24, 2007, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiffs and defendants have timely filed objections. I have, therefore, given de novo review of Magistrate Judge Stewart's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#443) dated January 24, 2007, in its entirety. Plaintiff Wong's motion

(#400) for partial summary judgment against the defendants David V. Beebe and the United States of America is denied; defendant David Beebe's motion (#403) for summary judgment is granted in part and denied in part; and defendant United States' motion (#405) for summary judgment is granted in part and denied in part as follows:

First Claim (Fourth Amendment):

Deny summary judgment both to Wong and Beebe as to whether the strip searches violated the Fourth Amendment

Second Claim (First Amendment):

Grant summary judgment to Beebe

Third Claim (Declaratory Judgment):

Grant summary judgment to the United States

Fourth Claim (RFRA):

Grant summary judgment to Beebe and deny summary judgment to Wong

Fifth Claim (FTCA):

False Imprisonment: Grant summary judgment to the United States and deny summary judgment to Wong

Invasion of Privacy: Grant summary judgment to the United States and deny summary judgment to Wong

Negligence:

Grant summary judgment to the United States against the Wu-Wei Tien Tao Association as to all specifications;

Grant summary judgment to the United States against Wong and deny summary judgment to Wong as to sending letters containing misstatements and adjudicating adjustment of status application; Deny summary judgment to the United States against Wong and deny summary judgment to Wong as to conditions of confinement.

I further deny plaintiffs' motion (#454) to supplement the summary judgment record.

IT IS SO ORDERED.

DATED this 10th day of April, 2007.

/s/ Robert E. Jones

ROBERT E. JONES

United States District Judge